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**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:10-cv-07388-ALC-FM**

American Civil Liberties Union v. Indian Health Services  
Assigned to: Judge Andrew L. Carter, Jr  
Referred to: Magistrate Judge Frank Maas  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/27/2010  
Date Terminated: 03/09/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: Federal Question

**Plaintiff**

**American Civil Liberties Union**

represented by **Alexa Rebecca Kolbi-Molinas**  
American Civil Liberties Union  
Foundation (NYC)  
125 Broad Street  
18th Floor  
New York, NY 10004  
(212)-519-7845  
Fax: (212)-549-2651  
Email: [akolbi-molinas@aclu.org](mailto:akolbi-molinas@aclu.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Indian Health Services**

represented by **Alicia Marie Simmons**  
U.S. Attorney Office SDNY  
86 Chambers Street  
New York, NY 10007  
(212)-637-2697  
Fax: (212)-637-2686  
Email: [alicia.simmons@usdoj.gov](mailto:alicia.simmons@usdoj.gov)  
**LEAD ATTORNEY**

*ATTORNEY TO BE NOTICED*

**Shane Patrick Cargo**  
U.S. Attorney Office SDNY  
86 Chambers Street  
New York, NY 10007  
(212) 637-2711  
Fax: (212) 637-2786  
Email: shane.cargo@usdoj.gov  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
09/27/2010	<u><a href="#">1</a></u>	COMPLAINT against Indian Health Services. (Filing Fee \$ 350.00, Receipt Number 916248)Document filed by American Civil Liberties Union.(rdz) (Additional attachment(s) added on 9/29/2010: # <u><a href="#">1</a></u> Exhibit) (rdz). (Entered: 09/29/2010)
09/27/2010		SUMMONS ISSUED as to Indian Health Services. (rdz) (Entered: 09/29/2010)
09/27/2010		Magistrate Judge Frank Maas is so designated. (rdz) (Entered: 09/29/2010)
09/27/2010		Case Designated ECF. (rdz) (Entered: 09/29/2010)
09/27/2010	<u><a href="#">2</a></u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Civil Liberties Union.(rdz) (ama). (Entered: 09/29/2010)
09/29/2010		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Alexa Rebecca Kolbi-Molinas for noncompliance with Section (14.3) of the S.D.N.Y. Electronic Case Filing Rules & Instructions. E-MAIL the PDF for Document <u><a href="#">2</a></u> Rule 7.1 Corporate Disclosure Statement to: case_openings@nysd.uscourts.gov. (rdz) (Entered: 09/29/2010)
09/30/2010	<u><a href="#">3</a></u>	AFFIDAVIT OF SERVICE. Indian Health Services served on 9/27/2010, answer due 11/29/2010. Service was made by Mail. Document filed by American Civil Liberties Union. (Kolbi-Molinas, Alexa) (Entered: 09/30/2010)
09/30/2010	<u><a href="#">4</a></u>	AFFIDAVIT OF SERVICE. Service was made by Mail. Document filed by American Civil Liberties Union. (Kolbi-Molinas, Alexa) (Entered: 09/30/2010)
09/30/2010	<u><a href="#">5</a></u>	AFFIDAVIT OF SERVICE. Service was accepted by Assistant to U.S. Attorney Preet Bahara. Document filed by American Civil Liberties Union. (Kolbi-Molinas, Alexa) (Entered: 09/30/2010)

11/02/2010	<a href="#"><u>6</u></a>	ENDORSED LETTER addressed to Judge Richard J. Holwell from Alicia M. Simmons dated 10/26/10 re: counsel requests a two-week extension of the defendant's time to respond to the complaint, from October 27, 2010 to November 10, 2010. ENDORSEMENT: SO ORDERED. (Indian Health Services answer due 11/10/2010). (Signed by Judge Richard J. Holwell on 11/1/10) (djc) (Entered: 11/02/2010)
11/10/2010	<a href="#"><u>7</u></a>	ANSWER to Complaint. Document filed by Indian Health Services.(Simmons, Alicia) (Entered: 11/10/2010)
01/14/2011	<a href="#"><u>8</u></a>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement) and Dispositive Motion (i.e., motion requiring a Report and Recommendation). Referred to Magistrate Judge Frank Maas. (Signed by Judge Richard J. Holwell on 12/22/10) (laq) Modified on 2/9/2012 (lmb). (Entered: 01/14/2011)
01/14/2011	<a href="#"><u>9</u></a>	NOTICE OF APPEARANCE by Shane Patrick Cargo on behalf of Indian Health Services (Cargo, Shane) (Entered: 01/14/2011)
02/24/2011	<a href="#"><u>10</u></a>	ORDER FOR CONFERENCE PURSUANT TO RULE 16(A) Initial Case Management Conference set for 3/31/2011 at 10:00 AM in Courtroom 20A, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Frank Maas. (Signed by Magistrate Judge Frank Maas on 2/22/11) Copies sent by chambers(cd) (Entered: 02/24/2011)
03/28/2011	<a href="#"><u>11</u></a>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Shane Cargo dated 3/28/11 re: Request for an adjournment of the initial case management conference. ENDORSEMENT: The conference is adjourned to 4/12/11 at 10 am. ( Case Management Conference reset for 4/12/2011 at 10:00 AM before Magistrate Judge Frank Maas.) (Signed by Magistrate Judge Frank Maas on 3/28/11) (cd) (Entered: 03/29/2011)
04/13/2011		Minute Entry for proceedings held before Magistrate Judge Frank Maas: Initial Pretrial Conference held on 4/13/2011. (mbe) (Entered: 04/19/2011)
04/15/2011	<a href="#"><u>12</u></a>	ORDER FOR CONFERENCE PURSUANT TO RULE 16(a). Schedule: The parties propose the following schedule: a. Deadline by which Defendant IHS will complete production of documents: April 22, 2011; b. Deadline by which Plaintiff ACLU will request, if necessary, a Vaughn Index: May 6, 2011; c. Deadline by which Plaintiff ACLU will move for summary judgment: June 3, 2011; d. Deadline by which Defendant HIS will serve and file its opposition to Plaintiff ACLU's motion for summary judgment: July 5, 2011; e. Deadline by which Plaintiff ACLU will serve and file its reply papers: July 19, 2011. (Signed by Magistrate Judge Frank Maas on 4/15/11); Copies sent by Chambers (djc) Modified on 4/20/2011 (djc). (Entered: 04/15/2011)

04/15/2011		Set Deadlines/Hearings: Motions due by 6/3/2011. Replies due by 7/19/2011. Responses due by 7/5/2011 (djc) (Entered: 04/15/2011)
04/22/2011	<a href="#"><u>1</u></a> <a href="#"><u>3</u></a>	AMENDED ORDER FOR CONFERENCE PURSUANT TO RULE 16(a), The parties propose the following schedule: Deadline by which Defendant IHS will complete production of documents: May 6, 2011. Deadline by which Plaintiff ACLU will move for summary judgment June 17, 2011. Deadline by which Defendant IRS will serve and file its opposition to Plaintiff ACLU's motion for summary judgment: July 19, 2011. Deadline by which Plaintiff ACLU will serve and files its reply papers: August 2, 2011. Additional relief as set forth in this Order. ( Motions due by 6/17/2011., Responses due by 7/19/2011, Replies due by 8/2/2011., Request for Production of Documents due by 5/6/2011.) (Signed by Magistrate Judge Frank Maas on 4/22/11) (pl) Modified on 4/25/2011 (pl). (Entered: 04/22/2011)
05/24/2011	<a href="#"><u>1</u></a> <a href="#"><u>4</u></a>	SECOND AMENDED SCHEDULING ORDER PURSUANT TO RULE 16(a). The parties propose the following schedule: Deadline by which Defendant IHS will complete production of documents: May 6, 2011. Deadline by which Plaintiff ACLU will request, if necessary, a Vaughn Index: May 20, 2011. Motion for summary judgment due by 7/18/2011. Responses due by 8/18/2011. Replies due by 9/1/2011, and as further set forth. (Signed by Magistrate Judge Frank Maas on 5/24/11) (rjm) (Entered: 05/25/2011)
12/29/2011	<a href="#"><u>1</u></a> <a href="#"><u>5</u></a>	NOTICE OF CASE REASSIGNMENT to Judge Andrew L. Carter, Jr. Judge Richard J. Holwell is no longer assigned to the case. (sjo) (Entered: 12/30/2011)
03/09/2012	<a href="#"><u>1</u></a> <a href="#"><u>6</u></a>	STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL: IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:1. Pursuant to Rule 41(a)(l)(A)(ii) of the Federal Rules of Civil Procedure, the ACLU agrees to dismiss this action with prejudice. 2. Defendant shall pay to the ACLU the sum of \$7,500.00 in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum the ACLU agrees to accept as full payment of any attorneys' fees and costs it has incurred in this action. Upon payment,the ACLU releases the United States, its agencies, departments, officers, employees,servants, and agents, including the Department of Health and Human Services ("HHS")and the IHS, from any claims for attorney's fees, costs and expenses of any kind, and however denominated, relating to services performed in connection with this matter. All other provisions as set forth in this order. (Signed by Magistrate Judge Frank Maas on 3/9/2012) (js) (Entered: 03/12/2012)

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